

109TH CONGRESS  
2D SESSION

# H. R. 6415

To limit immunity from criminal jurisdiction for accredited representatives of foreign governments to the United States and accredited representatives of foreign governments to the United Nations with respect to acts of disbursing radioactive or other substances posing a lasting, clear and present danger to public health, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2006

Mr. KIRK (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To limit immunity from criminal jurisdiction for accredited representatives of foreign governments to the United States and accredited representatives of foreign governments to the United Nations with respect to acts of disbursing radioactive or other substances posing a lasting, clear and present danger to public health, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Polonium Act of  
5       2006”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONVENTION ON THE PRIVILEGES AND IM-  
4 MUNITIES OF THE UNITED NATIONS.—The term  
5 “Convention on the Privileges and Immunities of the  
6 United Nations” means the Convention on the Privi-  
7 leges and Immunities of the United Nations, signed  
8 at New York on February 13, 1946, and entered  
9 into force with respect to the United States on April  
10 29, 1970 (21 UST 1418).

11 (2) RADIOACTIVE OR OTHER SUBSTANCES POS-  
12 ING A LASTING, CLEAR AND PRESENT DANGER TO  
13 PUBLIC HEALTH.—The term “radioactive or other  
14 substances posing a lasting, clear and present dan-  
15 ger to public health” means radioactive, biological,  
16 chemical, fissile or other substances, including the  
17 following: Polonium, Plutonium, Uranium, Anthrax,  
18 Botulinum Toxin, Brucellosis, Cholera, Clostridium  
19 Perfringens Toxin, Crimean-Congo Hemorrhagic  
20 Fever, Ebola, Hemorrhagic Fever, Melioidosis,  
21 Plague, Q Fever, Ricin, Rift Valley Fever, Saxitoxin,  
22 Smallpox, Staphylococcal Enterotoxin B,  
23 Trichothecene Mycotoxin, Venezuelan Equine En-  
24 cephalitis, Nitrogen Mustard, Anticholinesterase  
25 agents, Sarin, Salmonella, E Coli, and Foot-and-  
26 mouth disease, and any other agents and toxins as

1 identified by the Department of Health and Human  
2 Services and the Department of Agriculture under  
3 part 331 of title 7, part 121 of title 9, or part 73  
4 of title 42, Code of Federal Regulations.

5 (3) VIENNA CONVENTION ON DIPLOMATIC RE-  
6 LATIONS.—The term “Vienna Convention on Diplo-  
7 matic Relations” means the Vienna Convention on  
8 Diplomatic Relations, signed at Vienna on April 18,  
9 1961, and entered into force with respect to the  
10 United States on December 13, 1972 (23 UST  
11 3227).

12 **SEC. 3. LIMITATION ON DIPLOMATIC IMMUNITY.**

13 (a) LIMITATION.—Notwithstanding any other provi-  
14 sion of law, beginning on the date of the enactment of  
15 this Act, accreditation of a representative of a foreign gov-  
16 ernment to the United States under the Vienna Conven-  
17 tion on Diplomatic Relations and accreditation of a rep-  
18 resentative of a foreign government to the United Nations  
19 under the Convention on the Privileges and Immunities  
20 of the United Nations shall be deemed to be an express  
21 waiver of immunity from criminal jurisdiction for the rep-  
22 resentative under the applicable Convention with respect  
23 to an act of disbursing radioactive or other substances  
24 posing a lasting, clear and present danger to public health.

1       (b) WAIVER.—The President may waive the applica-  
2   tion of subsection (a) with respect to the waiver of immu-  
3   nity from criminal jurisdiction for a representative of a  
4   foreign government if the President determines and cer-  
5   tifies to Congress that it is in national security interest  
6   of the United States to do so.

7   **SEC. 4. SENSE OF CONGRESS.**

8       It is the sense of Congress that the Government of  
9   the United States should propose amendments to the Vi-  
10   enna Convention on Diplomatic Relations and the Conven-  
11   tion on the Privileges and Immunities of the United Na-  
12   tions to ensure that persons who enjoy immunity from  
13   criminal jurisdiction under such Conventions do not re-  
14   ceive immunity from criminal jurisdiction with respect to  
15   acts of disbursing radioactive or other substances posing  
16   a lasting, clear and present danger to public health.

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